

09-29-05

15w

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Patel et al.

Serial No. 10/613,698

Attorney Docket No.: 03-40102-US

Filing Date: July 3, 2003

**DELIVERY SYSTEM FOR TOPICAL  
MEDICATIONS**

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION UNDER 37 CFR §1.84(a)(2) AND (b)(2) REQUESTING  
ACCEPTANCE OF COLOR PHOTOGRAPHS**

Applicant hereby petitions the Commissioner pursuant to 37 CFR §1.84(a)(2) to accept the color photographs which were filed with the above-references application and are herewith submitted.

Applicant submits that the only practical medium by which to disclose the subject matter to be patented is by color photographs. In particular, Figures 2-5 depict ultra-violet photographs of subjects after application of a composition to the face via and not via a pad. The colors depicted on the faces of subjects in the figures, as well as the relative intensity, is necessary to differentiate the areas receiving the composition. Color is an integral part of being able to illustrate the effectiveness of the invention.

Applicant also herewith submits the following:

- (1) The fee set forth in 37 CFR §1.17(h);
- (2) Three (3) sets of color photographs; and
- (3) A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color photographs.

The specification is amended to incorporate the language set forth in 37 CFR §1.84(a)(2)(iv), which is concurrently submitted with this Petition in response to the Office action mailed on June 6, 2005.

Therefore, Applicant respectfully requests that the petition be granted. Should Commissioner have any questions regarding this Petition, Applicant requests the courtesy of a telephone conference.

Authorization of Deposit Account

The Commissioner is hereby authorized to charge any fees which may be required during the entire pendency of this application, or credit any overpayment, to Deposit Account No. 18-0586. This authorization also hereby includes a request to charge any fee deficiency or credit any overpayment in connection with this Petition.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10

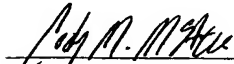
EXPRESS MAIL Mailing Label Number: EV 791.165227 US

Date of Deposit: September 28, 2005

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service, "EXPRESS MAIL – POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, on the date indicated above, and is addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

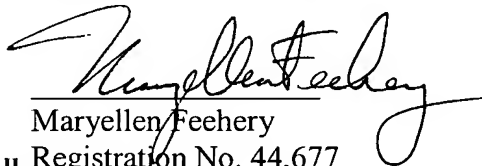
Cody M. McAtee

(Name of person mailing paper.)



(Signature of person mailing paper.)

Respectfully submitted,



Maryellen Feehery  
Registration No. 44,677

William J. McNichol, Jr.

Registration No. 31,179

Tamara J. Yorita

Registration No. 53,813

**REED SMITH LLP**

REED SMITH LLP

Intellectual Property

P.O. Box 7990

Philadelphia, PA 19101-7990

Tel.: (215) 241-7988

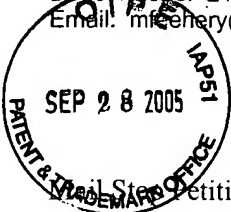
Fax: (215) 851-1420

Attorneys for Applicant

# ReedSmith

Maryellen Feehery  
Direct Phone: 215.241.7988  
Email: mfeeher@reedsmith.com

Reed Smith LLP  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
215.851.8100  
Fax 215.851.1420



September 28, 2005

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 10/613,698  
Filed: July 3, 2003  
For: Delivery System For Topical Medications  
Attorney Docket No. 03-40102-US (848966.20129)

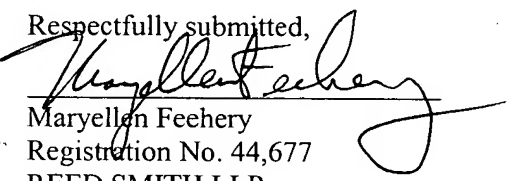
Dear Sir:

Enclosed are the following for filing in connection with the above-referenced application:

1. Petition Under 37 CFR §1.84(a)(2) and (b)(2) Requesting Acceptance of Color Photographs;
2. Three (3) sets of color photographs;
3. A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color photographs;
4. A check in the amount of \$130.00 for the Petition fee; and
5. A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

The Commissioner is hereby authorized to charge any additional fees due, or credit any overpayment to Deposit Account No. 18-0586.


Respectfully submitted,

  
Maryellen Feehery  
Registration No. 44,677  
REED SMITH LLP  
Intellectual Property  
P.O. Box 7990  
Philadelphia, PA 19101-7990  
Tel.: (215) 241-7988  
Fax: (215) 851-1420  
Attorneys for Applicant

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No. EV 791165227 US

Date of Deposit September 28, 2005

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" on the date indicated above and is addressed to MAIL STOP Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Name: Cody M. McAtee Signature: 

LONDON ♦ NEW YORK ♦ LOS ANGELES ♦ SAN FRANCISCO ♦ WASHINGTON, D.C. ♦ PHILADELPHIA ♦ PITTSBURGH ♦ OAKLAND  
MUNICH ♦ PRINCETON ♦ FALLS CHURCH ♦ WILMINGTON ♦ NEWARK ♦ MIDLANDS, U.K. ♦ CENTURY CITY ♦ RICHMOND ♦ LEESBURG

reedsmith.com

PHLLIB-838234.1-CMMCATEE 9/27/05 5:21 PM